UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS FORT WORTH DIVISION

PLAINTIFF'S ADVISORY TO THE COURT REGARDING SETTLEMENT

On September 20, 2024, the Parties filed a Joint Motion to Stay all Deadlines and Settings Pending Settlement (Doc. 30) in which the Parties indicated they had reached a settlement agreement but that the agreement was contingent upon approval from the Tarrant County Commissioner's Court, the Chancery Court of Clarke County, Mississippi, which oversees Kelly Masten's guardianship, *and* the resolution of a Medicaid lien. On October 30, 2024, at this Court's direction, the Parties filed a Joint Advisory to the Court Regarding Settlement (Doc. 36). Plaintiff now wishes to provide additional updates to the Court regarding progress on these issues since October 30, 2024.

As the Court was last made aware, Plaintiff submitted an additional letter to Medicaid with the hospital bills attached, per the request of the Medicaid Tort Department. On November 1, 2024, Plaintiff received a third letter from Medicaid indicating that there was no lien. Continuing to find this concerning, counsel for Plaintiff, Jessica Bebawi, called the Medicaid Tort Department once more on November 8, 2024, and spoke with Sandra; Ticket Number 49908688000. Sandra advised

of two issues: 1) a second letter was mailed to counsel's office on November 5, 2024, that *would* reflect a lien and the office must have not received it yet; and 2) to get an itemized statement for the lien counsel would need to send in a signed copy of Form 6700 from the client. As to issue two, Form 6700 was previously provided to the Medicaid Tort Department on October 15, 2024. Sandra advised that the document was received but that the Social Security number on the document did not match what was on file. As to issue one, the letter indicating the total amount of the lien was at last received on November 13, 2024, though it did not include the itemized charges. After conferring with the client to locate the correct Social Security number for the Ward, Kelly Masten, the client was able to do so, and an updated Form 6700 was submitted to Medicaid on November 11, 2024. Counsel now awaits the itemized list of charges from Medicaid.

Now that the total lien amount is known, Plaintiff can seek settlement approval from the Mississippi Chancery Court overseeing the guardianship. Stephen Wilson, Plaintiff's guardianship counsel, drafted a petition and the Ward, Kelly Masten, has been served with the petition. Further, a Waiver of Process and Joinder has been delivered to and signed by Danny Masten, father of the Ward. This document was filed with the Chancery Court on November 14, 2024. The settlement petition hearing with the Mississippi Chancery Court is set for November 21, 2024. Guardianship counsel believes the settlement will be approved on that date.

As a reminder, once the Chancery Court approves the settlement agreement, the agreement will still need to be placed on the Tarrant County Commissioner Court's agenda at a regularly scheduled meeting for a court to approve the settlement on behalf of Defendant. The Tarrant County Commissioners' Court meets on the first and third Tuesday of each month and requires agenda submissions two weeks before the meeting date. Based on this, assuming the agreement is approved on November 21, 2024, Plaintiff's counsel understand that the soonest possible date that

the Tarrant County Commissioners Court could consider this matter and vote would be December 17, 2024.

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Respectfully submitted,

/s/Jessica Bebawi

Jessica Bebawi

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